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TASK FORCE ON THE PLANNING AND DEVELOPMENT OF MARINE AQUACULTURE IN MAINE August 7th & 8th, 2003 Eastport, ME Minutes

1. Location & Attendance

A meeting of the *Task Force on the Planning and Development of Marine Aquaculture in Maine* was held on these dates at the Washington County Community College, Boat School in Eastport, ME.

Task Force (TF) members who attended the meeting included:

Paul Anderson, Brian Beal, Jim Dow, Des Fitzgerald, Paul Frinsko, Anne Hayden, Will Hopkins, Don Perkins, Van Perry, Josie Quintrell, and Jim Salisbury.

Stakeholder Advisory Panel (SAP) members who attended the meeting included:

Rob Bauer, Sebastian Belle, Roger Fleming, Chris Hamilton, Eric Horne, Pat Keliher, Dave Schmanska and Erick Swanson.

Department of Marine Resources (DMR) staff who attended the meeting included:

Commissioner George Lapointe, Deputy Commissioner David Etnier, Andrew Fisk, Deirdre Gilbert, Sue Inches, and John Sowles.

State Planning Office (SPO) staff who attended the meeting included:

Kathleen Leyden

Other attendees included:

Chris Bartlett (Maine Sea Grant Extension Team), Dennis Damon (Marine Resources Committee), Misty Edgecomb (Bangor Daily News), Steve Ellis (APHIS), Rachel Gallant (Congressman Tom Allen's office), Laurie Gustafson (APHIS), Mike Hastings (MAIC), Jeff Kaelin (Marine Resources Committee), Bruce McInnis (Cobscook Bay Fishermen's Association), Jane McCloskey (East Penobscot Bay Environmental Alliance), Tom Moffet (Atlantic Salmon Federation), Bill Walters (USDA)

The meeting was facilitated by Bruce Stedman, of RESOLVE, Washington DC.

2. Introductions

Commissioner George Lapointe welcomed the Task Force to its first meeting, and encouraged them to give the State and the Legislature guidance on how to make the process for aquaculture siting more workable, and more rational. He stressed that safety, efficiency, and fairness are the goals. Lapointe explained that the Governor fundamentally believes in the shared use of the coast, and that the TF has an important charge, to help Maine develop its vision for aquaculture.

Representative Jeff Kaelin thanked the Task Force on behalf of the Joint Standing Committee on Marine Resources. He expressed the appreciation of the Committee for the TF's willingness to help the Legislature sort through these issues. The Committee looks forward to the TF's report.

Facilitator Bruce Stedman asked the Task Force to introduce themselves, briefly describe their background, and to describe their hopes for their work. Responses included:

- To complete the work in the time frame allotted
- To address the underlying issues that cause conflict
- To articulate a vision for the coast that includes aquaculture
- To make the process safe, efficient and fair
- To identify policies, particularly those that address multiple use management
- To address sustainable use, rather than preservation

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- To identify ways to promote sustainable economic vitality to keep these businesses
- To identify policies and processes to ensure a stable and sustainable finfish industry. The problem is best looked at from a health point of view – need policies to ensure healthy fish, a healthy ecosystem, and healthy coastal communities
- To use this an opportunity to show the ways and reasons why strongly held opinions exist, and to solve those conflicts with policy recommendations
- To move beyond the controversy that we see today
- To find ways to show that competitive uses for marine resources don't have to be incompatible

The Stakeholder Advisory Panel members present were also asked to introduce themselves.

Bruce Stedman described the Approach to Success that will guide the TF meetings:

- Uppermost – Maine's people and environment
- Open, flexible, kind
- Inquisitive attitude
- Beginner's mind
- Alternative to Criticism – follow up with a different idea, different fact
- Hear others, speak out
- Change seats, wear tag

The TF requested contact information for all members, as well as the SAP. It was asked that information provided on the website not include home telephone numbers. An email address (marine.aqua@maine.gov) has been created to receive public comment for the TF.

A website has been developed to provide information on the work of the TF (www.maine.gov/dmr/aquaculture).

Minutes will include a record of key decisions and assignments, but will not be a transcript of the meetings. They will be sent to all TF and SAP members by email. Minutes will be labeled as draft, until approved at the next meeting of the TF. Minutes will also be posted on the website.

For between meeting questions, TF members are invited to contact:

Bruce Stedman: (202) 965-6217 or

David Etnier: (207) 624-6553 / David.Etnier@maine.gov

3. Morning Presentations

Andrew Fisk introduced the morning's speakers, noting that a review of bay management was required in LD 1519 (Resolve, to Create a Task Force on the Planning and Development of Marine Aquaculture in Maine). Bay management presentations from Ireland, Maine, and New Brunswick followed:

David Jackson, *Marine Institute*: The Challenges of Aquaculture Management

Materials: Clews Bay C.L.A.M.S plan (sent in advance by DMR)

Sebastian Belle, *Maine Aquaculture Association*: Maine's Finfish Bay Management Agreement

Materials: MAA Bay Management Agreement (sent in advance by DMR)

Kim Lipsett, *New Brunswick Director of Aquaculture*: New Brunswick Bay of Fundy Site Allocation Policy
Mike Beattie, *New Brunswick Provincial Veterinarian*

Materials: New Brunswick Site Allocation Policy (sent in advance by DMR)

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4. Working Lunch:

David Etnier reviewed LD 1519, Resolve, to Establish a Task Force on the Planning and Development of Marine Aquaculture in Maine. He indicated that the Marine Resources Committee amended the original bill in order to create the Stakeholder Advisory Panel, gave them a specific role, and also added several issues in Section 6 for the TF to address. He reviewed the section of the bill that provides for reimbursement of expenses for TF and SAP members, except if otherwise reimbursed by an employer.

Bruce Stedman explained that the staff interpreted the Resolve to mean that the TF needed to study each of these topics, but not necessarily make a recommendation about each one. The TF may want to focus its attention on some more than others.

Materials: LD 1519 (sent in advance by DMR)

Issues Raised by SAP

Legality of the state granting exclusive leases to the state's waters.

Issues are broader than aquaculture – a legitimate use, but needs to fit better into coastal values.

Indemnification

Structures on leases – where it is, what it sounds like, what it looks like v. the concept of leasing the bottom.

5. Boat Tour for Task Force Members – Aquafoods Prince Cove Farm site (During this time, the SAP members present met with Bruce Stedman)

Topics discussed on boat tour:

John Sowles, DMR – ecological impacts/nutrient issues in Cobscook Bay

Frank Lank, Manager of Prince Cove farm site - aquaculture operations

Steve Ellis, APHIS – Infectious Salmon Anemia (ISA)

Heidi Leighton, Cobscook Bay Resource Center – traditional fisheries in Cobscook Bay

Materials: Memo from Andrew Fisk Re: Stocking Trends – Cobscook Bay and Coast-wide (from DMR)

Aquafoods Prince Cove Farm site Fact Sheet (from Chris Bartlett)

Analysis of 2002 State of Maine Marine Resource Licenses (from Heidi Leighton)

The TF adjourned at 5:00 PM for dinner.

6. Evening Meeting

The TF reconvened at 7:30 PM.

Evening Agenda:

Criteria for Success

What is the Vision?

Obstacles

Role of the SAP

Selecting a Chair

Working Ground Rules

Working in Public

Scope of Issues

Convening Summary

Define Consensus

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Bruce Stedman asked the TF to describe their ideas of what would make their work a success.

Success Factors Defined

- Better relations between opposing sides of debate
- Recommendations to the Legislature –
 - clear
 - implementable
 - responsive to the charge
 - fair/equitable principles
 - likely to last
 - fiscally attainable
- Stakeholder Advisory Panel feels that the process was good (even if the content of the recommendations is criticized)
- Task Forces feels that they heard from “everyone” who they ought
- Hold the balance between inclusion and developing priorities (incisiveness)
- Allow the Governor to implement his long-term vision of aquaculture along the coast of Maine.

The TF also described obstacles to success.

Obstacles

- Short time frame
- Trap of detail
- Danger of getting too much information not really focused – resource people need to be there, and we can ask questions. Look carefully at schedule tomorrow.
- Waiting too long to frame (Need some information processed for them)
- Impatience and closure too soon.
- Too superficial
- Forgetting availability of examples from other states

The TF was asked, “How do you see the SAP helping you, and the process by which they could help?”

Role of the SAP

Task Force Responses:

- The tensions that the Legislature couldn’t deal with are manifest in the SAP
- TF needs to work out its own dynamics
- Go back to the Resolve
- Get a written (1-3 page) statement from each SAP member
- Use predominantly one-way communication. TF can ask SAP members questions. At the end of each day, SAP members can give feedback
- Address TF at beginning/end of meetings on items for which there is consensus
- Random comments aren’t helpful. Need more structure – identify issues in writing in advance – help the TF to frame the issues
- Makes it hard to rise above fray when they are arguing with each other. TF needs time to work without interruption
- Need to hear their concerns/issues/recommendations in a comprehensive way. Some formal mechanism where they can have their say
- There is a problem with the panel approach for SAP– too tempting to get your views out there
- Trying to imagine what it feels like to be a stakeholder, allow them to have input, but don’t have time for constant back and forth

SAP Input:

- View role of the AP to give advice. Similar to advisory role in ASMFC.
- There are some facts in dispute. What they are needs to be known at the time the facts are presented (this is the problem with providing written statements).

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- Would feel comfortable if TF had an opportunity to learn what a farm is all about. Would be good to be able to frame perspective in writing. Would help TF to know the context from which stakeholders speak. Come to SAP when it is necessary for more information.

Election of Chair

The Legislative Resolve requires that the TF elect their own chair.

Duties of the chair:

- Represent the TF – to the Legislature, press, other groups, public meetings
- Liason to the DMR/Bruce – Agenda
- Play an active role for getting the task force to identify priority issues, getting them to produce a product
- Facilitator should keep TF on task, so that the chair can participate in the work of the group

Paul Anderson was nominated, and unanimously approved as chair.

Meeting adjourned at 9:00 PM until 8:30 AM August 8, 2003.

August 8th, 2003

The TF reconvened at 8:30 AM on Friday, August 8, 2003 at the Boat School in Eastport, ME.

7. Morning Presentations

The contact information (mailing address, email address, and phone numbers) for all of the TF and SAP that had been requested was provided to the TF.

Andrew Fisk introduced the morning's speakers, who were prepared to discuss the interaction between farmed and wild salmon.

Materials: NASCO Guidelines on siting aquaculture farms (sent in advance by DMR)

Ken Beland, *Maine Atlantic Salmon Commission*: Identification and Exclusion of Aquaculture Origin Salmon from Maine Rivers

John Kocik, *NOAA Fisheries*: Overview of Regional Assessment and Research Related to Aquaculture

Fred Whoriskey, *Atlantic Salmon Federation*: Interactions between Wild and Escaped Farmed Salmon in Atlantic Canada

Materials: Protecting Wild Atlantic Salmon from Impacts of Salmon Aquaculture (from ASF)

The Wild Atlantic Salmon brochure (from ASF)

Maine Atlantic Salmon: A National Treasure, by Ed Baum, (from ASF)

A request was made for staff to provide the TF with the containment management system that was referenced.

Stephen Chase, *Atlantic Salmon Federation*: Atlantic Salmon Federation Submission to The Task Force on the Planning and Development of Marine Aquaculture in Maine

Materials: Atlantic Salmon Federation Submission to the Task Force on the Planning and Development of Marine Aquaculture in Maine (from ASF)

A request was made to provide the TF with the contact information for the panelists.

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8. Scope of Issues

What is the work that you've been asked to do?

Jumped into detail early – need to take a step back.

What do we want for the coast of Maine over time?

More detailed – what is aquaculture's role on coast?

Stay at high altitude.

The task is unrealistic – to stay on task need to keep returning to the Leg. Resolve.

Aquaculture's place on the coast – includes other uses (especially those missing).

Develop a forward-looking policy for aquaculture on Maine coast.

May be other issues in addition to those in the Leg. Resolve.

Think of the issues that need to be considered as falling into 4 baskets:

1. philosophical basket
2. management approach (stakeholder involvement)
3. mechanical (municipal role)
4. informational (economic impact).

How can we use staff and stakeholders to generate information?

Are there areas where the TF is not well informed?

What is the big picture that aquaculture needs to fit into?

Need to be more aggressive in deciding what they need information and asking for it.

For each issue – need to be told: 1) what is the problem? 2) what is the recommendation?

Need a statement that all could agree on.

In advance of a known issue – need a succinct statement by staff to identify the aspects of the issue.

Critique by stakeholders beforehand.

Currently lacking a working vision.

Need to clarify policies – TF is here because there are no policies.

May be iterative process. Develop working vision to begin with, work on it each time.

Chair Paul Anderson & Des Fitzgerald agreed to draft a vision statement for the TF to consider and continue to develop

Senator Dennis Damon addressed the TF, and expressed his hope for their work. All of these issues should eventually coalesce into a statement about how Maine could have an industry farming the sea. The Marine Resources Committee had a difficult time because they were looking at individual laws, not a comprehensive plan. It was patchwork at best, and would have done more harm than good. The TF's report could describe a comprehensive plan.

Chair Paul Anderson stated that he expected the TF would be able to develop strong policy statements, but not necessarily detailed laws and regulations.

Senator Damon said that that would match his expectation.

Deputy Commissioner Etnier urged the TF to concentrate on what they know to be important, and if possible, actually draft the legislation to increase the probability of implementation.

Upon request, the Department can help with drafting, and provide language for the TF's review.

The TF requested information on the range of legislation that was submitted to the Marine Resources Committee during the 1st session of the 121st Legislature. Staff agreed to provide bill summaries.

Chair Paul Anderson urged the TF members to read the statutes and legislation in the briefing book to understand what is currently in place.

The TF returned to the concept of dividing issues into baskets (#'s refer to the paragraph in Section 6 of the Leg. Resolve).

Philosophy/Policy

- (Section 6) Aquaculture's role in vision for coast

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- What stakeholders have what roles in bay management (and other uses)

Management

- Bay management – leading edge issue
 - Information, technical, and financial resources
- #7 Economic Impacts

Mechanics/ Process

- #5 Decision-making criteria for granting leases
- #8 Federal/state legal framework
- #6 Role of municipalities

Assessments

- #2 Industry size & character in a 2 and 10 year framework
- #7 Economic impact of aquaculture (consultant)
- #4 External impact of aquaculture and mitigation
 - Aesthetics
 - Disease
 - Other

Lunch

9. Economic Analysis contract

Sue Inches described the existing economic impact project, which has been contracted with Gardner Pinfold, LLC of Halifax, Nova Scotia.

The project has 2 purposes:

- 1) Economic impact assessment: a snapshot of where we are today
- 2) Growth projection – constraints facing the industry, global market

The work is limited to six species – salmon, halibut, mussels, oysters, scallops and clams.

The consultants will conduct 40-50 personal interviews, with a range of industry members, as well as people who work in finance. The interviews will be very thorough, and will include questions designed to elicit detailed costs, capital, ownership structure, future plans for expansion, and constraints. This firm has excellent experience in this type of work.

Materials: Gardiner Pinfold, LLC scope of work (from DMR)

Bruce Stedman invited **Rob Bauer** to provide information on the history that he asked if the consultants would do.

10. Vision Statement

Vision Statement

State aquaculture strategy 1997 – use to launch discussion

Is that a good place to start?

Inadequate to the task

It's a planning goal, not a policy statement

Need 3-4 paragraphs

Vision statement should include:

Sustainable use for future generations

Statement for support for working waterfront

Aquaculture is a legitimate use

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- Commercial fishing use takes precedence
- Ecological compatability
- Fair decision-making, allocation
- Health of environment, economy and communities inextricably linked.
- Diversity of use
- Cultural character of coast

(Be mindful of other laws, federal requirements, MMPA)

- Consider the degree of public benefit
 - The degree of environmental impact
 - The degree of exclusivity
 - The degree of economic sustainability

History of mixed use, intensive, has varied over time, and is crucial to well-being.
Need to clarify the state's policy to show that multiple use is okay.

11. Remaining Task Force Schedule

Andrew Fisk reviewed the proposed dates for the TF meetings, suggesting meeting every three weeks. The next meeting is intended to examine the shellfish industry in the Damariscotta River, and continue the discussion of bay management - how do you do it, how much does it cost, what to you get if you do it? Two technical growers and three academics are available as experts.

Materials: Draft Meeting Schedule for TF

Suggestions:

- Would rather not hear from one source – instead ask for position papers ahead of time, limit to 15-minute presentation
- Need synthesis time after learning
- Provide points/counterpoints
- Could have longer days, start at 7 AM.
- There is value in staying over night, having opportunity to deliberate.

The TF agreed to meet all day Thursday, September 4th, and until noon on Friday, September 5th at the Darling Marine Center in Walpole. No public meeting.

The 3rd meeting will be held in Blue Hill. The meeting will be held on Friday, September 26th. A public hearing will be held on the night of Thursday, September 25th.

Don Perkins offered to work with **Chair Paul Anderson** and staff to develop an analysis of federal, state and municipal permitting processes with the goal of summarizing these processes for the commission, and developing a proposed set of changes to these processes to make them work more efficiently for all.

The Task Force adjourned at 2:00 PM.

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Appendix to Eastport Minutes

This is a list of questions that were asked by the Task Force, Stakeholder Advisory Panel, and staff at the Eastport meeting. It is not an exhaustive list but attempts to capture some of the issues to which the TF may want to return.

Bay Management:

- At some point, can individual management plans be weaved together – aquaculture, fisheries, tourism, etc.?
- Why is it important to separate licensing and management?
- What if there is interest in culturing a new species? What is the process?
- Who is on bay management team?
- What if we had your counterparts from Scotland, Norway, and Chile here? What would we hear from them?
- Is anyone looking at integrated activities, bay management plans not driven by aquaculture?

Legislative Resolve:

- Why did LD 1519 happen?
- What are the issues? What is causing the friction?
- What were the other bills that were considered by the Legislature?
- What about the general permit process and the Judge's decision?

Leasing Process:

- Does the TF understand the Maine leasing process?
- Is the TF (and staff) aware that Massachusetts currently has a similar effort underway – to evaluate planning for the use of the coast? (May be another source of information)

Wild v. Farmed Salmon:

- What is the feasibility of marking farmed fish?
- What information would you like to obtain from the aquaculture industry on a continuing basis? (Written recommendation if necessary.)
- If you had to pick one recommendation (from ASF submission) to be implemented immediately, which one would it be? Is Maine not implementing recommendations 1 & 6?
- Accountability? Performance standards? What's the incentive? What happens if an audit is bad?

What is the Work?:

- What is the issue? At this point in time, what is the conflict issue?
- What is the next drama coming at us in 5-10 years?
- Is it possible to stabilize law and regulations, given ongoing changes in technology and science?

Damariscotta Meeting:

- Is carrying capacity the biggest issue facing the shellfish industry? (Need to understand the 2-3 big issues)
- What are the problems facing shellfish aquaculture – what do you recommend? All stakeholders need to tell us what is wrong from their perspective.
- What is the purpose of the public meeting? Should they be held all along the way, or at end?